

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

SETH MILLER,

Plaintiff,

Case No.

v.

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, NCO Financial Systems, Inc. (“NCO”), hereby removes the above-captioned civil action from the District Court 56-B Judicial District, in and for Barry County, Michigan, to the United States District Court for the Western District of Michigan. The removal of this civil case is proper because:

1. Plaintiff Seth Miller commenced this action in the District Court 56-B Judicial District, in and for Barry County, Michigan, titled *Seth Miller v. NCO Financial Systems, Inc.*, Case No. 13-1578GC (hereinafter, the “State Court Action”) on October 8, 2013.
2. NCO is the only named Defendant in the State Court Action.
3. The Complaint in the State Court Action asserts claims under the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, *et seq.* the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.*, and Michigan statutory claims.

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the State Court Action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff's TCPA and FDCPA claims per 28 U.S.C. § 1331 and 15 U.S.C. § 1692k, and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. §1337.

5. NCO was served with summons of the State Court Action on October 21, 2013. This Notice of Removal is filed within 30 days of receipt of the State Court Action Complaint by NCO and is therefore timely filed under 28 U.S.C. § 1446(b).

6. Attached hereto as **Exhibit A** and incorporated by reference as part of the Notice of Removal are true and correct copies of the process and pleadings in the State Court Action. No further proceedings have taken place in the State Court Action.

WHEREFORE, Defendant, NCO Financial Systems, Inc., hereby removes to this Court the State Court Action.

Date: November 11, 2013

Respectfully submitted,

/s/ Deborah A. Lujan  
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Counsel for Defendant,  
NCO Financial Systems, Inc.

**CERTIFICATE OF SERVICE**

I certify that on this 11<sup>th</sup> day of November 2013, a true and correct copy of the foregoing was sent via email to plaintiff as described below.

Seth Miller  
110 Florence Street  
Woodland, MI 48897  
[millersg@outlook.com](mailto:millersg@outlook.com)

*/s/ Deborah A. Lujan*  
Deborah A. Lujan, Esq.  
Attorney

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